

Emergency response providers are able to provide valuable information to the overall intelligence picture; likewise, the fusion process may provide advance information that enables essential preparation measures to enable a more effective response. Therefore, while the Conference stresses that State and local governments must ultimately determine the mission, composition, operating procedures, and communication channels of fusion centers and the fusion process, they emphasize the inherent value in including emergency response providers within the governance structure making these determinations. Nothing in this section is intended to mandate that representatives of the emergency response provider community should be physically located in all fusion centers or that their mission should shift emphasis from the missions of the intelligence and law enforcement communities. Rather, the Conference intends that fusion center governing boards and the fusion process should be structured so as to enable the consideration of nontraditional information from emergency response providers in a collaborative environment.

Section 512. Homeland Security Information Sharing Fellows Program

Section 733 of the House bill directs the Secretary, through the Under Secretary for Intelligence and Analysis, to establish a fellowship program for State, local, and tribal officials to rotate into the Office of Intelligence and Analysis in order to identify for Department intelligence analysts the kinds of homeland security information that are of interest to State, local, and tribal law enforcement and other emergency response providers; assist Department intelligence analysts in writing intelligence reports in a shareable format that provides end users with accurate, actionable, and timely information without disclosing sensitive sources and methods; serve as a point of contact for State, local, and tribal law enforcement officers and other emergency response providers in the field who want to share information with the Department; and assist in the dissemination of homeland security information to appropriate end users.

Section 122 of the Senate bill contains nearly identical language.

The Conference substitute adopts the Senate's provision, as modified. The Conference concurs that implementation of this section will help break down the cultural barriers to information sharing by teaming State, local, and tribal homeland security and law enforcement officers with the Department intelligence analysts tasked with creating intelligence products for them. The Conference notes that this section will complement the DHS State, Local, and Regional Fusion Center Initiative by providing State, local, and tribal officials with better insight and input into the Department's information sharing operations and allowing them to play a greater role in the Department's information sharing effort.

Section 513. Rural Policing Institute

There is no comparable House provision.

Section 123 of the Senate bill creates a "Rural Policing Institute" that is to be administered by the Federal Law Enforcement Training Center. The Institute would provide training for local and tribal law enforcement officers located in rural areas—defined as those areas not located within metropolitan statistical areas, as defined by the Office of Management and Budget—and would be tailored to law enforcement requirements that are unique to those areas. Section 123 would require the inclusion of several law enforcement topics in the curriculum, including methamphetamine addiction and distribution, domestic violence, and law enforcement

response to school shootings. It likewise requires an assessment of these and other requirements and the development of a curriculum to address those requirements. Section 123 authorizes \$10 million for Fiscal Year 2008 for the administration of the program and \$5 million for each of Fiscal Years 2009 through 2013.

The Conference substitute adopts the Senate provision, with modifications. It broadens the Institute's focus to encompass not only law enforcement agencies but also other emergency response providers located in rural areas. Moreover, it deletes the references to training related to specific criminal offenses, and replaces them with training programs with a greater focus on homeland security in the areas of intelligence-led policing and protections for privacy, civil right, and civil liberties.

Section 521. Interagency Threat Assessment and Coordination Group

There is no comparable House provision.

Section 131 of the Senate bill directs the Information Sharing Environment (ISE) Program Manager to oversee and coordinate the creation of an Interagency Threat Assessment and Coordination Group (ITACG) that has as its primary mission the production of Federally coordinated products derived from information within the scope of the ISE for distribution to State, local, and tribal government officials and the private sector. Section 131 of the Senate bill locates the ITACG at the National Counterterrorism Center (NCTC) and directs the Secretary to assign a senior level officer to manage and direct the administration of the ITACG; to determine how specific products should be distributed to end users; and to establish standards for the admission of law enforcement and intelligence officials from State, local, or tribal governments into the ITACG. Section 131 of the Senate bill further prescribes the membership of the ITACG—including State, local, and tribal law enforcement and intelligence officials—and directs the ISE Program Manager to establish criteria for the selection of those officials and for the proper handling and safeguarding of information related to terrorism.

The Conference substitute adopts the Senate provision, with modifications. The Conference notes that the ITACG has roots in, among other places, the ISE Implementation Plan (the Plan) prepared by the ISE Program Manager in November 2006 to ensure the timely and effective production, integration, vetting, sanitization, and communication of terrorism information to the Federal Government's State, local, and tribal partners. The Plan explained that a "primary purpose of the ITACG will be to ensure that classified and unclassified intelligence produced by Federal organizations within the intelligence, law enforcement, and homeland security communities is fused, validated, deconflicted, and approved for dissemination in a concise and, where possible, unclassified format" to State, local, and tribal officials. The ISE Program Manager envisioned having the ITACG based at the NCTC and managed on a day-to-day basis by a senior Department official. The ISE Program Manager likewise envisioned that the Department and the Department of Justice would share the decision-making authority regarding how to disseminate various types of information to State, local, and tribal officials and the private sector.

The Conference substitute bifurcates the ITACG into two distinct entities. The first entity, an ITACG Advisory Council chaired by the Secretary or the Secretary's designee, shall set policy and develop processes for the integration, analysis, and dissemination of Federally-coordinated information within

the scope of the ISE, including homeland security information, terrorism information, and weapons of mass destruction information. The second entity, an ITACG Detail created by the Secretary and managed by a senior Department intelligence official, shall be comprised of State, local, and tribal homeland security and law enforcement officers detailed to work in the NCTC with NCTC and other Federal intelligence analysts. Participants in the ITACG Detail shall integrate, analyze, and assist the dissemination of the aforementioned information to appropriate State, local, tribal, and private sector end users.

The Conference strongly believes that the ITACG presents the Department with a unique opportunity to realize its mission as the primary source of accurate, actionable, and timely homeland security information for its State, local, tribal and private sector partners that Congress had originally envisioned in the Homeland Security Act of 2002 (6 U.S.C. 101). The Department should seize the moment. The ITACG will provide the Department and the wider Intelligence Community with an unmatched ability to identify information that is of interest and utility to those partners; produce reports which can be disseminated to them in an unclassified format or at the lowest possible classification level; and assist in the targeted dissemination of particular intelligence products to appropriate end users. By building upon the Department's customer service approach to information sharing, Department leadership of the ITACG will help the Department and other Federal agencies co-located at the NCTC to leverage their existing ties with their State, local, tribal, and private sector counterparts and ultimately invigorate the two-way flow of information with them that the 9/11 Commission identified as critical to making the homeland more secure.

While the Secretary will play the primary role in establishing and maintaining the ITACG Detail and shall detail a senior intelligence official from the Department to manage its day-to-day activities, the Department is reminded that it is a guest in the NCTC. As direct reports to the Director of the NCTC, the senior intelligence official from the Department and the ITACG detailees themselves must comply with all policies, procedures, and rules applicable to other staff working in the NCTC—including any mandatory polygraph examination for NCTC staff. Neither the ITACG Advisory Council nor the ITACG Detail are in any way intended to impede, replicate, or supplant the analytic and/or production efforts of the NCTC, nor are they intended to duplicate, impede, or otherwise interfere with existing and established counterterrorism roles and responsibilities.

With regard to the preparation, review, and dissemination of products from the ITACG Detail, it is the Conference's intent that those products be subject to the same policies, procedures, and rules applicable to NCTC products. Pursuant to 102A(f)(1)(B)(iii) and 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 402 et seq.), it is the Conference's further intent that the Director should act as a gatekeeper when providing products prepared by the ITACG Detail to the Department, the Department of Justice, and other appropriate agencies for dissemination to State, local, tribal, and private sector end users. Nothing in this section should be construed to mean that the Director may distribute products prepared by the ITACG Detail directly to those end users.

Finally, the Conference agrees that the privacy and civil liberties impact assessment required under this section shall specifically address how the ITACG will incorporate the Guidelines to Implement Information Privacy Rights and other Legal Protections in